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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,434	10/03/2000	John McNeil	IBIS-0312	5282

7590                  04/28/2003

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[REDACTED] EXAMINER

QUAN, ELIZABETH S

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

1743

DATE MAILED: 04/28/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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Commissioner of Patents and Trademarks

## DETAILED ACTION

### *Election/Restrictions*

1. The reply filed on 2/3/2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has failed to elect a species consistent with the requirement made by the Examiner. The requirement is repeated with elaboration here. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Claim 1 is generic to a plurality of disclosed patentably distinct species comprising different types of dispensing mechanisms:

**Species 1** Claims 9, 18, and 20: time and pressure type pump, membrane pump, and two-dimensional pumps

**Species 2** Claim 17: cow udder

**Species 3** Claim 19: embedded balls

**Species 4** Claim 21: rotary valve

**Species 5** Claim 22: steam engine

3. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. **Note:** If Application elects group I, upon election of a species, which may include a single or multiple claim(s), it will be examined with claims 1-8, 10-16, 23-28, and 31-35.

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

9. Applicant's election of positive displacement pumps with claims 10 and 15-22 readable on the selected species is not the species to which Examiner requires election. A single species as outlined above must be elected.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Quan whose telephone number is (703) 305-1947. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (703) 308-4037. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 879-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

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Elizabeth Quan  
Examiner  
Art Unit 1743

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April 21, 2003



JAN LUDLOW  
PRIMARY EXAMINER